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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,362	02/27/2002	Tetsuaki Suzuki	Q68702	9180
7590 07/24/2009 SUGHRUE, MION, ZINN, MACKPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213				
EXAMINER YENKE, BRIAN P				
ART UNIT 2622		PAPER NUMBER		
MAIL DATE 07/24/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/083,362

**Applicant(s)**

SUZUKI ET AL.

**Examiner**

BRIAN P. YENKE

**Art Unit**

2622

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on RCE(06/12/09)/Amendment (05/15/09).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 5-7, 14-18, 31, 33-35, 38 and 41-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5, 7, 15, 18, 31, 35, 41 and 42 is/are allowed.
- 6) ☒ Claim(s) 6, 14, 16, 17, 33, 34, 38 and 43-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-846)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/15/09 has been entered.

### ***Response to Arguments***

2. Applicant's arguments repeating those previously filed (05/15/09) have been fully considered but they are not persuasive.

### ***Applicant's Arguments***

a. Applicant states that Herman fails to disclose or suggest that the update amount is limited to said correction amount when said change is not detected.

### ***Examiner's Response***

a. The examiner disagrees. Initially the examiner notes the claim states that the updating the correction amount is done when change is detected, and now also states that the update amount is limited to the correction amount when no change is detected, thus when there is no change (no change detected) the correction amount is not updated. In further analysis, when change is detected, the correction amount is updated (via an update amount), thus when no change is detected, the update

amount must be limited to the correction amount, if not the update amount and correction amount would have no effect on one another.

Herman discloses a system which performs color correction on selected scenes to maintain a constant color from scene shot to scene shot in the video image. Thus if the color is different from scene shot to scene shot, the quality would be low, thus Herman detects the color or an icon which may be a "network logo", "product trademark" or "known human face colors" to ensure the color of the scenes are maintained, which improves the quality. Therefore, if the colors between scenes are different, which is indicative of a change in image quality, the system corrects for such by updating the correction amount between scenes. Thus if no change is detected, the update amount is limited, since no update amount is required, since no correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6, 16, 33, 38 and 43-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Herman, US 6,674,898.

In considering claims 6, 16, 33, 38 and 43-48

a) *the claimed a correction amount...* is met by TV set 300 which receives incoming video signals which are stored in frame buffer 350 which are scanned and compared to known pixel data by color correction controller 360 via known Table 370 (Fig 3).

*b) the claimed image correcting means...*is met by color correction controller 360.

*c) the claimed image input means...*is met by TV set 300 which receiving the incoming images which are frame stored in frame buffer 350 (Fig 3).

*d) the claimed detecting means...*is met where Herman discloses a system which corrects the color of the image from scene shot (cut point) to scene shot (cut point) by updating each frame individually, where the system performs color correction from scene to scene to maintain constant color. As stated above in the arguments, if no change is detected, the update amount is limited (or not updated, thus being limited to the correction amount), since there was no change detected.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14, 17 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Herman, US 6,674,898.

In considering claims 14, 17 and 34,

Herman does not explicitly recite a histogram. Herman discloses a system which utilizes known icons and true colors table in analyzing the received image data in accordance with known parameters in order to provide identical color information from scene to scene.

The use of a histogram is a conventional table/chart known in the art in order to analyze the color information of an image, as disclosed by AAPA.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Herman, which discloses the correction/analysis of the received signals color information by

using a true color table, by also utilizing a histogram to correct/analyze the color, since such a table/chart is conventional and readily available for such comparison/correction.

***Allowable Subject Matter***

5. Claims 5, 7, 15, 18, 31, 35, 41 and 42 are allowed.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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(FAX) 703-305-7786

(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.

/BRIAN P. YENKE/  
Primary Examiner, Art Unit 2622

